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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,925	07/05/2006	Seiji Iwai	2006_0811A	2240
	7590 01/19/201 , LIND & PONACK I		EXAM	INER
1030 15th Street, N.W.			FENSTERMACHER, DAVID MORGAN	
Suite 400 East Washington, D	C 20005-1503		ART UNIT PAPER NUMBER	
			3656	
			MAIL DATE	DELIVERY MODE
			01/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Commons	10/584,925	IWAI ET AL.				
Office Action Summary	Examiner	Art Unit				
	David M. Fenstermacher	3656				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	s 			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 66(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. nely filed the mailing date of this commun (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
	action is non-final.					
3) Since this application is in condition for allowan		secution as to the mer	its is			
closed in accordance with the practice under E						
Disposition of Claims						
4)⊠ Claim(s) <u>1-14</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-14</u> are subject to restriction and/or e	election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is obj	ected to. See 37 CFR 1.	121(d).			
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-15	52.			
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:		-(d) or (f).				
1. Certified copies of the priority documents						
2. Certified copies of the priority documents						
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau * See the attached detailed Office action for a list of		d				
See the attached detailed Office action for a list of	or the certified copies not receive	u.				
Attach mont(a)						
Attachment(s) 1) \(\sum \) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ite				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	atent Application				

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Election/Restrictions

1. This application contains claims directed to more than one species of the generic

invention. These species are deemed to lack unity of invention because they are not so

linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I:

Figures 1-5;

Species II:

Figures 6-7.

Applicant is required, in reply to this action, to elect a single species to which the

claims shall be restricted if no generic claim is finally held to be allowable. The reply

must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are

generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration

of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the

elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following

manner:

Species I:

Claims 1-5, 9, 11-15, 20-22;

Species II:

Claims 6-8, 10, 16-19, 23.

The following claim(s) are generic: There are no generic claims.

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- 3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The incorporation of a second positioning member 22, 62 is distinguished over having one positioning member in that further stabilization over a long duration can be implemented.
- 4. A telephone call was made to Mr. Charles Watts on 1/6/09 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Fenstermacher whose telephone number is 571-272-7102. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David M. Fenstermacher Primary Examiner Art Unit 3656

/David M. Fenstermacher/ Primary Examiner, Art Unit 3656